

Appl. No. : 09/531,121
Amendment Dated : January 14, 2004
Reply to Office Action of : July 14, 2003

Atty. Docket No. 111283.134 US1

REMARKS

Summary and Status of the Claims

Claims 1-19 were pending prior to this Amendment. Claims 1-19 were rejected in the Final Office Action, mailed July 14, 2003 to prior representatives, and resent to Applicants' current representatives by facsimile on Jan. 7, 2004. Claims 1 and 11 are hereby amended. Claim 20 is newly added. Thus, following entry of this Amendment, claims 1-20 will be pending, of which claims 1, 11, and 20 are independent. No new matter is introduced by this Amendment.

Regarding the Jan. 12, 2004 Telephone Interview

Applicants and their representatives thank Examiner Nguyen for the courtesy extended during the telephone interview on Jan. 12, 2004. In the interview, Applicants clarified the differences between the claimed invention and the cited references, including Pitts and Grate. It was pointed out that the references (e.g. Pitts) involve activities carried out on servers located on a network, and not on local clients. It was agreed that this Amendment and Response would be filed with a Request for Continued Examination (RCE) to further the prosecution of this application. It was also discussed that Applicants would file an additional "system" claim, concordant with the pending "method" claims.

Claim Rejections Under 35 U.S.C. §102(e)

Paragraph 3 of the Office Action rejected claims 1-4, 10-11, and 13 as being anticipated by Pitts (U.S. Pat. No. 5,892,914). The basis for the rejection is that Pitts discloses "*intercepting communications from the process to a port assigned to support the network protocol*" (citing Pitts Col. 11 and Col. 13), and that Pitts discloses "*redirecting the communications over an open port*" (citing Pitts Col. 11).

Applicants respectfully submit that the above characterization of Pitts is incorrect. Pitts merely discloses a system of distributed caches to improve network performance. Network Distributed Caches (NDCs) (26) handle client (42) requests for named data objects or files, being "owned" by a server (22). The NDCs translate a NFS network protocol request into a data transfer protocol (DTP) request. The NDCs do not intercept messages destined for a local drive, but rather execute a client intercept routine at the NDCs themselves, passing along the requested data objects.

While Applicants maintain that the prior art does not disclose the recited steps of intercepting communications and redirecting the communications per Applicants' claims, independent claims 1 and 11 have been amended to clarify that the steps of intercepting the communication and redirecting the communications are performed locally on the client computer. Specifically, the claims now recite, in part:

1. *...on a local client computer, intercepting communications from the process to a port assigned to support the network protocol; and
redirecting the communications over an open port on the client computer.*

11. *...an application program executing on a client computer which is utilizing the SMB protocol to access a remote storage asset; and
a port proxy program, running on the client computer, that intercepts communications from the program to a port assigned to support the SMB protocol and redirects the communications over an open port on the client computer.*

Newly-presented claim 20 recites a system comprising (in part):

*...a client computer having a processor that executes software instructions;
a first client process, running on the client computer, that requires a networking protocol;
a second client process, running on the client computer, that intercepts communications from the first client process to a port assigned to support the network protocol and redirects the communications over an open port on the client computer.*

Since Pitts is directed to processes other than those claimed, and is not carried out on local clients, the rejection under 35 U.S.C. §102(e) should now be withdrawn. Applicants submit that each of independent claims 1, 11 and 20 is now in condition for allowance.

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Similarly, claims 2-10 and 12-19 should be allowed for at least the same reasons given above, since they depend from allowable claims 1 and 11, and provide additional bases of patentability. Therefore, the rejections provided under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

Applicants appreciate the Examiner's efforts in searching, examining, and interviewing this case. It is hoped that the issues presented in the Office Action have been resolved by the present Amendment and Response.

Also, Applicants request that the period for responding to the outstanding Final Office Action be extended for three months' time. The Commissioner is hereby authorized to charge the required fee of \$475.00 for filing the request for extension of time to our Deposit Account No. 08-0219.

No other fees are believed to be due with this response. However, please charge any additional fees or credit any overpayments to Deposit Account No. 08-0219.

Respectfully submitted,

For Applicants

Date: _____

Jan. 14, 2004

By: _____

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